Appl. No. 10/564,646
Amdt. Dated September 15, 2011
Reply to Office Action of June 15, 2011

Attorney Docket No. 375325-000001
Customer No.: 73230

REMARKS

Applicant has amended the claim 10. Applicant respectfully submits that this amendment to the claim 10 is supported by the application as originally filed and do not contain any new matter (see page 16, lines 6 to 9 and 18 to 22 and page 21, line 18 to page 22, line 2). Accordingly, the Final Office Action will be discussed in terms of the claim(s) as amended.

The Examiner has rejected the claims 10, 12 and 21 under 35 U.S.C 112, second paragraph, as being indefinite stating that the claims include certain means plus function limitations, but in the Examiner's opinion the written description fails to clearly link or associated disclosed structure with the claimed functions. In reply thereto, Applicant has amended the claim 10 to more clearly define the elements and direct the Examiner's attention to Page 9, lines 17 to 22, Page 11, lines 21 to 23, Page 12, lines 8 to 10, Page 15, lines 6 to 12, Page 16, lines 16 to 22, Page 17, line 1, Page 23, lines 4 to 11, Page 24, line 10 to 20, Page 25, lines 1 to 11 and Page 26 line 21 to Page 27, line 6 wherein it lists and describes structure to perform the functions. Accordingly, Applicant respectfully submits that the claims 10, 12 and 21 comply with 35 USC 112, second paragraph.

The Examiner has rejected the claims 10 and 12 under 35 U.S.C 103 as being obvious over Honarvar in view of Eitetsu stating that Honarvar discloses substantially all of the present invention except for teaching at least one of the user information is an information unit or unwilling authentication signal used when user authentication is performed despite the intention of the user; Eitetsu discloses one of the user information is an information unit for unwilling authentication and it would be obvious to one of ordinary skill in the art to modify Honarvar in view the teachings of Eitetsu.

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In reply to this rejection, Applicant would like to first incorporate by reference Applicant's remarks concerning substantially the same rejection in Applicant's amendment dated May 4, 2011. In particular, Applicant has reviewed Honarvar and submits that Honarvar teaches an authentication system which is based upon providing answers by the user to a number of different randomly selected questions (see paragraph [0016] of Honarvar) and does not teach a system such as Applicant's invention which is based upon episode memory and the images associated with episode memory. Still further, Applicant's invention is based upon an access information comprising at least two information units and not answers to a plurality of security questions.

In particular as to Eitetsu, Applicant respectfully submits that while at first glance Eitetsu and Applicant's invention accomplish the same object, Applicant respectfully submits that the means to accomplish this object are entirely different in Applicant's invention from Eitetsu. Still further, Applicant respectfully submits that in Applicant's invention is provided a structure or method where an information unit for unwilling authentication is included among the plurality of information units forming the access information and by selecting the unwilling authentication information (information units unknown to the user) together with other information units (known to the user) that creates an authentication signal, it is possible for the user by submitting such authentication signal to indicate that the user is unwilling to authenticate. In contrast thereto, Applicant's review of Eitetsu indicates that it discloses multiple passwords (as is admitted by the Examiner), one of which is an emergency password, and does not disclose merely the change or selection of an unwilling authentication information unit which is inserted into the authentication signal along with the information units known to the user to indicate the user is submitting the authentication signal unwillingly.

Instead, the principles and operation of Eitetsu depend on the utilization of a completely different emergency password in its entirety.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not be suggested to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the claims 10 and 12 are not obvious over Honarvar in view of Eitetsu.

The Examiner further rejects the claim 21 under 35 U.S.C. 103 as being obvious over Honarvar in view of Eitetsu and further in view of Pering stating that Honarvar and Eitetsu disclose an individual authentication system comprising substantially all the elements of claim 10 but does not disclose wherein said visual information is selected from the group consisting of photographs, pictures and drawings; Pering teaches that the visual information can be selected from photographs or pictures or drawings; and it would be obvious to modify the combination of Honarvar and Eitetsu in the view of the teachings of Pering.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning Honarvar and Eitetsu. In addition, Applicant has carefully reviewed Pering and submits that the use of pictures is not equal to use of episode memory. Pictures having no relation with episode memory which is autobiographical do not work effectively. Use of episode memory is effective for performing correct user authentication in panic situation and report the situation without having the threatening person noticed.

In view of the above, Applicant submits that not only is the combination suggested by the Examiner not Applicant's invention, but also the combination suggested by the Examiner would not have been suggested to one of ordinary skill in the art. Therefore, Applicant submits that the claim 21 is not obvious over Honarvar in view of Eitetsu and further in view of Pering.
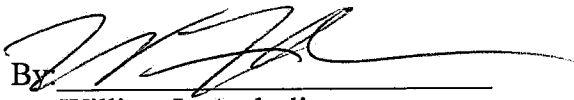
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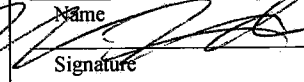Customer No.: 73230

In view of the above, therefore, it is respectfully requested that this Amendment be favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to DLA Piper Deposit Account No. 07-1896.

Respectfully submitted,

By

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